

93 MAR -8 PM 4:46
HOUSE OF REPRESENTATIVES

I certify that the attached is a true and
correct copy of HB 327, which
was filed of record on 1-12-93
and referred to the committee on:
Environment

Betty Murray
Chief Clerk of the House

By Pete P. Gallego

FILED JAN 12 1993
H.B. No. 327

A BILL TO BE ENTITLED

AN ACT

relating to notice requirements for certain permits issued by the
Texas Water Commission or its successor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 361.0641, Health and Safety Code, is
amended to read as follows:

Sec. 361.0641. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

(a) On receiving an application for, or notice of intent to file
an application for, a permit, amendment of a permit, or renewal of
a permit to construct, operate, or maintain a facility to store,
process, or dispose of solid waste or hazardous waste, the
[department-or] commission[7-as-appropriate,] shall send notice of
the application or the notice of intent to the state senator and
representative who represent the area in which the facility is or
will be located.

(b) The commission shall notify the state senator and
representative of its final decision to grant or deny the permit,
amendment, or renewal.

SECTION 2. Section 382.0516, Health and Safety Code, is
amended to read as follows:

Sec. 382.0516. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

(a) On receiving an application for a construction permit, a
special permit, or an operating permit or amendment or renewal of a
permit for a facility that may emit air contaminants, the board

1 shall send notice of the application to the state senator and
2 representative who represent the area in which the facility is or
3 will be located.

4 (b) The board shall notify the state senator and
5 representative of its final decision to grant or deny the permit,
6 amendment, or renewal.

7 SECTION 3. Subchapter K, Chapter 401, Health and Safety
8 Code, is amended by adding Section 401.4135 to read as follows:

9 Sec. 401.4135. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

10 (a) On receiving an application for a license, amendment of a
11 license, or renewal of a license for the disposal of a radioactive
12 substance, the Texas Natural Resource Conservation Commission shall
13 send notice of the application to the state senator and
14 representative who represent the area in which the disposal will
15 occur.

16 (b) The commission shall notify the state senator and
17 representative of its final decision to grant or deny the license,
18 amendment, or renewal.

19 SECTION 4. Subchapter B, Chapter 26, Water Code, is amended
20 by adding Section 26.0286 to read as follows:

21 Sec. 26.0286. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

22 (a) On receiving an application for a permit, amendment of a
23 permit, or renewal of a permit under this chapter, the commission
24 shall send notice of the application to the state senator and
25 representative who represent the area in which the discharge will
26 occur or the facility is or will be located.

27 (b) The commission shall notify the state senator and

1 representative of its final decision to grant or deny the permit,
2 amendment, or renewal.

3 SECTION 5. Subchapter B, Chapter 27, Water Code, is amended
4 by adding Section 27.0145 to read as follows:

5 Sec. 27.0145. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

6 (a) On receiving an application for a permit, amendment of a
7 permit, or renewal of a permit under this chapter, the commission
8 shall send notice of the application to the state senator and
9 representative who represent the area in which the injection well
10 is or will be located.

11 (b) The commission shall notify the state senator and
12 representative of its final decision to grant or deny the permit,
13 amendment, or renewal.

14 SECTION 6. This Act takes effect September 1, 1993, and
15 applies only to an application for a permit or license, amendment
16 of a permit or license, or renewal of a permit or license issued
17 under Chapter 361, 382, or 401, Health and Safety Code, or Chapter
18 26 or 27, Water Code, that is received by the Texas Water
19 Commission or its successor on or after that date.

20 SECTION 7. The importance of this legislation and the
21 crowded condition of the calendars in both houses create an
22 emergency and an imperative public necessity that the
23 constitutional rule requiring bills to be read on three several
24 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

1st Printing

93 APR 14 AM 10:28

HOUSE OF REPRESENTATIVES

By Gallego

H.B. No. 327

Substitute the following for H.B. No. 327:

By Jackson

C.S.H.B. No. 327

A BILL TO BE ENTITLED

AN ACT

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(a) On receiving an application for, or notice of intent to file an application for, a permit to construct, operate, or maintain a facility to store, process, or dispose of solid waste or hazardous waste, the ~~[department-or]~~ commission~~[7-as-appropriate7]~~ shall send notice of the application or the notice of intent to the state senator and representative who represent the area in which the facility is or will be located.

(b) On the written request of a state senator or representative, the commission shall send to the senator or representative during the calendar biennium notice of:

(1) any application for an amendment or renewal of a permit to construct, operate, or maintain a facility to store, process, or dispose of solid waste or hazardous waste that is or will be located in the area represented by the senator or representative; and

(2) the commission's final decision to grant or deny such a permit, amendment, or renewal.

1 (c) Not later than January 15 of each odd-numbered year, the
2 commission shall notify each state senator and representative of
3 the right to receive notice under Subsection (b).

4 SECTION 2. Section 382.0516, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 382.0516. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

7 (a) On receiving an application for a construction permit, a
8 special permit, or an operating permit for a facility that may emit
9 air contaminants, the board shall send notice of the application to
10 the state senator and representative who represent the area in
11 which the facility is or will be located.

12 (b) On the written request of a state senator or
13 representative, the board shall send to the senator or
14 representative during the calendar biennium notice of:

15 (1) any application for an amendment or renewal of a
16 construction permit, special permit, or operating permit for a
17 facility that may emit air contaminants that is located in the area
18 represented by the senator or representative; and

19 (2) the board's final decision to grant or deny such a
20 permit, amendment, or renewal.

21 (c) Not later than January 15 of each odd-numbered year, the
22 board shall notify each state senator and representative of the
23 right to receive notice under Subsection (b).

24 SECTION 3. Subchapter K, Chapter 401, Health and Safety
25 Code, is amended by adding Section 401.4135 to read as follows:

26 Sec. 401.4135. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

27 (a) On the written request of a state senator or representative,

1 the Texas Natural Resource Conservation Commission shall send to
2 the senator or representative during the calendar biennium notice
3 of:

4 (1) any application for a license, amendment of a
5 license, or renewal of a license for the disposal of a radioactive
6 substance in the area represented by the state senator or
7 representative; and

8 (2) the commission's final decision to grant or deny
9 such a license, amendment, or renewal.

10 (b) Not later than January 15 of each odd-numbered year, the
11 commission shall notify each state senator and representative of
12 the right to receive notice under Subsection (a).

13 SECTION 4. Subchapter B, Chapter 26, Water Code, is amended
14 by adding Section 26.0286 to read as follows:

15 Sec. 26.0286. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

16 (a) On the written request of a state senator or representative,
17 the commission shall send to the senator or representative during
18 the calendar biennium notice of:

19 (1) any application for a permit, amendment of a
20 permit, or renewal of a permit under this chapter for a discharge
21 that will occur or a facility that is or will be located in the
22 area represented by the senator or representative; and

23 (2) the commission's final decision to grant or deny
24 such a permit, amendment, or renewal.

25 (b) Not later than January 15 of each odd-numbered year, the
26 commission shall notify each state senator and representative of
27 the right to receive notice under Subsection (a) of this section.

1 SECTION 5. Subchapter B, Chapter 27, Water Code, is amended
2 by adding Section 27.0145 to read as follows:

3 Sec. 27.0145. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

4 (a) On the written request of a state senator or representative,
5 the commission shall send to the senator or representative during
6 the calendar biennium notice of:

7 (1) any application for a permit, amendment of a
8 permit, or renewal of a permit under this chapter for an injection
9 well that is or will be located in the area represented by the
10 senator or representative; and

11 (2) the commission's final decision to grant or deny
12 such a permit, amendment, or renewal.

13 (b) Not later than January 15 of each odd-numbered year, the
14 commission shall notify each state senator and representative of
15 the right to receive notice under Subsection (a) of this section.

16 SECTION 6. The duties given to the Texas Natural Resource
17 Conservation Commission by this Act are the duties of the Texas
18 Water Commission or its successor if:

19 (1) the change in name of the Texas Water Commission
20 to the Texas Natural Resource Conservation Commission does not take
21 effect as provided by Section 1.085, Chapter 3, Acts of the 72nd
22 Legislature, 1st Called Session, 1991;

23 (2) the transfer of the powers, duties, rights, and
24 obligations of the Texas Water Commission to the Texas Natural
25 Resource Conservation Commission does not take effect as provided
26 by Chapter 3, Acts of the 72nd Legislature, 1st Called Session,
27 1991; or

1 (3) the 73rd Legislature does not pass an Act that
2 becomes law and provides for the transfer of certain powers,
3 duties, rights, and obligations of the Texas Water Commission to
4 the Texas Natural Resource Conservation Commission on or before
5 September 1, 1993.

6 SECTION 7. This Act takes effect September 1, 1993, and
7 applies only to an application for a permit or license, amendment
8 of a permit or license, or renewal of a permit or license issued
9 under Chapter 361, 382, or 401, Health and Safety Code, or Chapter
10 26 or 27, Water Code, that is received by the Texas Water
11 Commission or its successor on or after that date.

12 SECTION 8. The importance of this legislation and the
13 crowded condition of the calendars in both houses create an
14 emergency and an imperative public necessity that the
15 constitutional rule requiring bills to be read on three several
16 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

March 30, 1993
(date)

Sir:

We, your COMMITTEE ON ENVIRONMENTAL REGULATION
to whom was referred H.B. 327 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

() do pass, without amendment.
() do pass, with amendment(s).
(✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (✓) yes () no An author's fiscal statement was requested. () yes (✓) no

A criminal justice policy impact statement was requested. () yes (✓) no

An equalized educational funding impact statement was requested. () yes (✓) no

An actuarial impact statement was requested. () yes (✓) no

A water development policy impact statement was requested. () yes (✓) no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Chisum, Ch.	✓			
Saunders, V.C.	✓			
Blackwood	✓			
Eckels				✓
Gray	✓			
Hilderbran	✓			
Jackson	✓			
Kuempel				✓
Lewis				✓
Oakley				✓
Talton	✓			

Total 7 aye
 0 nay
 0 present, not voting
 4 absent

Warren Chisum
CHAIRMAN

BILL ANALYSIS

H.B. 327 By: Gallego

Committee on Environmental Regulation

C.S.H.B. No. 327 By: Jackson

BACKGROUND

The Solid Waste Disposal Act of 1991 requires that the Texas Water Commission notify the state senator and state representative of any application or permit to store hazardous waste or solid waste in their respective legislative districts.

The legislation did not require that the state legislators be notified about the final decision on the permit or application.

PURPOSE

To require that the agencies involved notify state legislators about any proposed permits, applications, or amendments in their respective districts for: 1.) solid waste facilities, 2.) air contamination, 3.) radioactive waste disposal, 4.) discharge of waste into water, or 5.) an injection well.

RULEMAKING AUTHORITY

It is the opinion of the committee that this measure does not delegate any rulemaking authority.

SECTION BY SECTION ANALYSIS

SECTION 1: Amends Section 361.0641 of the Health and Safety Code by adding subsections (b) and (c)

- (b) if requested by a state legislator in writing once during a calendar biennium, the Texas Water Commission must send to the legislator notice of every application and notice of every decision made to renew, obtain, or modify a solid waste or hazardous waste permit in that legislators district.
- (c) requires the agency to notify each state legislator in January of every odd numbered year about the right to receive this information.

SECTION 2: Amends Section 361.0516, Health and Safety Code, by adding subsections (b) and (c).

- (b) if requested by a state legislator in writing once during a calendar biennium, The Texas Air Control Board must send to the legislator notice of every application and notice of every decision made to renew, obtain, or modify a permit to emit air contaminants in that legislators district.
- (c) requires the agency to notify each state legislator in January of every odd numbered year about the right to receive this information.

SECTION 3: Adds Section 401.4135 (a) and (b) to Subchapter K, Chapter 401, Health and Safety Code:

- (a) if requested by a state legislator in writing once during a calendar biennium, The Natural Resource Conservation Commission must send to the legislator notice of every application and notice of every decision made to renew, obtain, or modify any license to dispose of radioactive substances in that legislators district.
- (b) requires the agency to notify each state legislator in January of every odd numbered year about the right to receive this information.

H.B. 327 By: Gallego

C.S.H.B. 327 By: Jackson

SECTION 4: Adds Section 26.0286 (a) and (b) to Subchapter B, Chapter 26, Water Code:

- (a) if requested by a state legislator in writing once during a calendar biennium, The Texas Water Commission must send to the legislator notice of every application and notice of every decision made to renew, obtain, or modify any permit to discharge waste water into water of the state.
- (b) requires the agency to notify each state legislator in January of every odd numbered year about the right to receive this information.

SECTION 5: Adds Section 27.0145 (a) and (b) to Subchapter B, Chapter 27, Water Code:

- (a) if requested by a state legislator in writing once during a calendar biennium, The Texas Water Commission must send to the legislator notice of every application and notice of every decision made to renew, obtain, or modify a permit for an injection well.
- (b) requires the agency to notify each state legislator in January of every odd numbered year about the right to receive this information.

SECTION 6: requires the Texas Water Commission to be responsible for the duties given to the Texas Natural Resource Conservation Commission by this Act if the transfer of duties to the NRCC does not occur as planned.

SECTION 7: Effective date of September 1, 1993, and grandfather clause.

SECTION 8: Emergency clause.

COMPARISON OF THE SUBSTITUTE TO THE ORIGINAL

The filed version required the affected agencies to send all permitting information mentioned to every legislator. The committee substitute only requires the agencies to send this information *if requested by the legislator*.

SUMMARY OF COMMITTEE ACTION

Pursuant to a public notice posted on March 1, 1993, the committee met in a public hearing on March 9, 1993 to consider H.B. 327. Jon K. Fisher, representing the Texas Chemical Council did not testify but submitted written testimony on the bill. Without objection H.B. 327 was sent to a subcommittee.

Pursuant to an announcement made on the House Floor on March 25, 1993, the Subcommittee on H.B. 327 met in a formal meeting on the House Floor on the same day. The subcommittee adopted a committee substitute for H.B. 327 and reported it back to the full committee by a vote of two (2) in favor, none (0) against, and one (1) absent.

At a public hearing on March 30, 1993, the committee adopted the same committee substitute for H.B. 327 adopted by the subcommittee. By the following vote, the committee sent C.S.H.B. 327 to the full House with the recommendation that it do pass: Ayes: 7, Nays: none, PNV: none, Absent: 4.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

April 5, 1993

TO: Honorable Warren Chisum, Chair
Committee on Environmental Regulation
House of Representatives
Austin, Texas

IN RE: Committee Substitute for
House Bill No. 327

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 327 (relating to notice requirements for certain permits issued by the Texas Water Commission or its successor) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: Natural Resources Conservation Commission;
LBB Staff: JO, JWH, DF, JLG, JOL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 5, 1993

TO: Honorable Warren Chisum, Chair
Committee on Environmental Regulation
House of Representatives
Austin, Texas

IN RE: House Bill No. 327
By: Gallego

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 327 (relating to notice requirements for certain permits issued by the Texas Water Commission or its successor) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: Texas Water Commission
LBB Staff: JO, JWH, DF, JLG, OC

ADOPTED

as amended
may
CT
AF E L JK

APR 29 1993

Barry M. Murray
Chief Clerk
House of Representatives

By Gallego

H.B. No. 327

Substitute the following for H.B. No. 327:

By Jackson

C.S.H.B. No. 327

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(a) On receiving an application for, or notice of intent to file an application for, a permit to construct, operate, or maintain a facility to store, process, or dispose of solid waste or hazardous waste, the ~~[department-or]~~ commission~~[7-as-appropriate,]~~ shall send notice of the application or the notice of intent to the state senator and representative who represent the area in which the facility is or will be located.

(b) On the written request of a state senator or representative, the commission shall send to the senator ^{and} ~~or~~ representative during the calendar biennium notice of:

(1) any application for an amendment or renewal of a permit to construct, operate, or maintain a facility to store, process, or dispose of solid waste or hazardous waste that is or will be located in the area represented by the senator ^{and} ~~or~~ representative; and

(2) the commission's final decision to grant or deny such a permit, amendment, or renewal.

1 (c) Not later than January 15 of each odd-numbered year, the
 2 commission shall notify each state senator and representative of
 3 the right to receive notice under Subsection (b).

4 SECTION 2. Section 382.0516, Health and Safety Code, is
 5 amended to read as follows:

6 Sec. 382.0516. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

7 (a) On receiving an application for a construction permit, a
 8 special permit, or an operating permit for a facility that may emit
 9 air contaminants, the board shall send notice of the application to
 10 the state senator and representative who represent the area in
 11 which the facility is or will be located.

12 (b) On the written request of a state senator or
 13 representative, the board shall send to the senator ^{and} or
 14 representative during the calendar biennium notice of:

15 (1) any application for an amendment or renewal of a
 16 construction permit, special permit, or operating permit for a
 17 facility that may emit air contaminants that is located in the area
 18 represented by the senator ^(HO2N) or representative; and

19 (2) the board's final decision to grant or deny such a
 20 permit, amendment, or renewal.

21 (c) Not later than January 15 of each odd-numbered year, the
 22 board shall notify each state senator and representative of the
 23 right to receive notice under Subsection (b).

24 SECTION 3. Subchapter K, Chapter 401, Health and Safety
 25 Code, is amended by adding Section 401.4135 to read as follows:

26 Sec. 401.4135. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

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1 the Texas Natural Resource Conservation Commission shall send to
2 the senator ^{and} ~~or~~ representative during the calendar biennium notice
3 of:

4 (1) any application for a license, amendment of a
5 license, or renewal of a license for the disposal of a radioactive
6 substance in the area represented by the state senator ^{and} ~~or~~
7 representative; and

8 (2) the commission's final decision to grant or deny
9 such a license, amendment, or renewal.

10 (b) Not later than January 15 of each odd-numbered year, the
11 commission shall notify each state senator and representative of
12 the right to receive notice under Subsection (a).

13 SECTION 4. Subchapter B, Chapter 26, Water Code, is amended
14 by adding Section 26.0286 to read as follows:

15 Sec. 26.0286. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

16 (a) On the written request of a state senator or representative,
17 the commission shall send to the senator ^{and} ~~or~~ representative during
18 the calendar biennium notice of:

19 (1) any application for a permit, amendment of a
20 permit, or renewal of a permit under this chapter for a discharge
21 that will occur or a facility that is or will be located in the
22 area represented by the senator ^{and} ~~or~~ representative; and

23 (2) the commission's final decision to grant or deny
24 such a permit, amendment, or renewal.

25 (b) Not later than January 15 of each odd-numbered year, the
26 commission shall notify each state senator and representative of
27 the right to receive notice under Subsection (a) of this section.

1 SECTION 5. Subchapter B, Chapter 27, Water Code, is amended
2 by adding Section 27.0145 to read as follows:

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6 the calendar biennium notice of:

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8 permit, or renewal of a permit under this chapter for an injection
9 well that is or will be located in the area represented by the
10 senator ^{and} or representative; and

11 (2) the commission's final decision to grant or deny
12 such a permit, amendment, or renewal.

13 (b) Not later than January 15 of each odd-numbered year, the
14 commission shall notify each state senator and representative of
15 the right to receive notice under Subsection (a) of this section.

16 SECTION 6. The duties given to the Texas Natural Resource
17 Conservation Commission by this Act are the duties of the Texas
18 Water Commission or its successor if:

19 (1) the change in name of the Texas Water Commission
20 to the Texas Natural Resource Conservation Commission does not take
21 effect as provided by Section 1.085, Chapter 3, Acts of the 72nd
22 Legislature, 1st Called Session, 1991;

23 (2) the transfer of the powers, duties, rights, and
24 obligations of the Texas Water Commission to the Texas Natural
25 Resource Conservation Commission does not take effect as provided
26 by Chapter 3, Acts of the 72nd Legislature, 1st Called Session,
27 1991; or

C.S.H.B. No. 327

(3) the 73rd Legislature does not pass an Act that becomes law and provides for the transfer of certain powers, duties, rights, and obligations of the Texas Water Commission to the Texas Natural Resource Conservation Commission on or before September 1, 1993.

SECTION 7. This Act takes effect September 1, 1993, and applies only to an application for a permit or license, amendment of a permit or license, or renewal of a permit or license issued under Chapter 361, 382, or 401, Health and Safety Code, or Chapter 26 or 27, Water Code, that is received by the Texas Water Commission or its successor on or after that date.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

①

ADOPTED

APR 29 1993

Brad Manning
Chief Clerk
House of Representatives

Amendment By: Madden

Amend C.S.H.B. 327 as follows:

✓✓ On page 1, line 16, after "senator" strike "or" and replace it with

"and"

✓✓ On page 1, line 21, after "senator" strike "or" and replace it with

"and"

✓✓ On page 2, line 13, after "senator" strike "or" and replace it with

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✓✓ On page 3, line 2, after "senator" strike "or" and replace it with

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✓✓ On page 3, line 6, after "senator" strike "or" and replace it with

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✓✓ On page 3, line 17, after "senator" strike "or" and replace it with

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✓✓ On page 3, line 22, after "senator" strike "or" and replace it with

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✓✓ On page 4, line 5, after "senator" strike "or" and replace it with

"and"

✓✓ On page 4, line 10, after "senator" strike "or" and replace it with

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F
ENGROSSED
SECOND READING

By Gallego

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6 substance in the area represented by the state senator and
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14 by adding Section 26.0286 to read as follows:

15 Sec. 26.0286. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

16 (a) On the written request of a state senator or representative,
17 the commission shall send to the senator and representative during
18 the calendar biennium notice of:

19 (1) any application for a permit, amendment of a
20 permit, or renewal of a permit under this chapter for a discharge
21 that will occur or a facility that is or will be located in the
22 area represented by the senator and representative; and

23 (2) the commission's final decision to grant or deny
24 such a permit, amendment, or renewal.

25 (b) Not later than January 15 of each odd-numbered year, the
26 commission shall notify each state senator and representative of
27 the right to receive notice under Subsection (a) of this section.

1 SECTION 5. Subchapter B, Chapter 27, Water Code, is amended
2 by adding Section 27.0145 to read as follows:

3 Sec. 27.0145. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

4 (a) On the written request of a state senator or representative,
5 the commission shall send to the senator and representative during
6 the calendar biennium notice of:

7 (1) any application for a permit, amendment of a
8 permit, or renewal of a permit under this chapter for an injection
9 well that is or will be located in the area represented by the
10 senator and representative; and

11 (2) the commission's final decision to grant or deny
12 such a permit, amendment, or renewal.

13 (b) Not later than January 15 of each odd-numbered year, the
14 commission shall notify each state senator and representative of
15 the right to receive notice under Subsection (a) of this section.

16 SECTION 6. The duties given to the Texas Natural Resource
17 Conservation Commission by this Act are the duties of the Texas
18 Water Commission or its successor if:

19 (1) the change in name of the Texas Water Commission
20 to the Texas Natural Resource Conservation Commission does not take
21 effect as provided by Section 1.085, Chapter 3, Acts of the 72nd
22 Legislature, 1st Called Session, 1991;

23 (2) the transfer of the powers, duties, rights, and
24 obligations of the Texas Water Commission to the Texas Natural
25 Resource Conservation Commission does not take effect as provided
26 by Chapter 3, Acts of the 72nd Legislature, 1st Called Session,
27 1991; or

1 (3) the 73rd Legislature does not pass an Act that
2 becomes law and provides for the transfer of certain powers,
3 duties, rights, and obligations of the Texas Water Commission to
4 the Texas Natural Resource Conservation Commission on or before
5 September 1, 1993.

6 SECTION 7. This Act takes effect September 1, 1993, and
7 applies only to an application for a permit or license, amendment
8 of a permit or license, or renewal of a permit or license issued
9 under Chapter 361, 382, or 401, Health and Safety Code, or Chapter
10 26 or 27, Water Code, that is received by the Texas Water
11 Commission or its successor on or after that date.

12 SECTION 8. The importance of this legislation and the
13 crowded condition of the calendars in both houses create an
14 emergency and an imperative public necessity that the
15 constitutional rule requiring bills to be read on three several
16 days in each house be suspended, and this rule is hereby suspended.

HOUSE ENGROSSMENT

By Gallego

H.B. No. 327

A BILL TO BE ENTITLED

AN ACT

relating to notice requirements for certain permits issued by the Texas Water Commission or its successor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 361.0641, Health and Safety Code, is amended to read as follows:

Sec. 361.0641. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

(a) On receiving an application for, or notice of intent to file an application for, a permit to construct, operate, or maintain a facility to store, process, or dispose of solid waste or hazardous waste, the ~~[department-or]~~ commission~~[,--as-appropriate,]~~ shall send notice of the application or the notice of intent to the state senator and representative who represent the area in which the facility is or will be located.

(b) On the written request of a state senator or representative, the commission shall send to the senator and representative during the calendar biennium notice of:

(1) any application for an amendment or renewal of a permit to construct, operate, or maintain a facility to store, process, or dispose of solid waste or hazardous waste that is or will be located in the area represented by the senator and representative; and

(2) the commission's final decision to grant or deny such a permit, amendment, or renewal.

1 (c) Not later than January 15 of each odd-numbered year, the
2 commission shall notify each state senator and representative of
3 the right to receive notice under Subsection (b).

4 SECTION 2. Section 382.0516, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 382.0516. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

7 (a) On receiving an application for a construction permit, a
8 special permit, or an operating permit for a facility that may emit
9 air contaminants, the board shall send notice of the application to
10 the state senator and representative who represent the area in
11 which the facility is or will be located.

12 (b) On the written request of a state senator or
13 representative, the board shall send to the senator and
14 representative during the calendar biennium notice of:

15 (1) any application for an amendment or renewal of a
16 construction permit, special permit, or operating permit for a
17 facility that may emit air contaminants that is located in the area
18 represented by the senator or representative; and

19 (2) the board's final decision to grant or deny such a
20 permit, amendment, or renewal.

21 (c) Not later than January 15 of each odd-numbered year, the
22 board shall notify each state senator and representative of the
23 right to receive notice under Subsection (b).

24 SECTION 3. Subchapter K, Chapter 401, Health and Safety
25 Code, is amended by adding Section 401.4135 to read as follows:

26 Sec. 401.4135. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

27 (a) On the written request of a state senator or representative,

1 the Texas Natural Resource Conservation Commission shall send to
2 the senator and representative during the calendar biennium notice
3 of:

4 (1) any application for a license, amendment of a
5 license, or renewal of a license for the disposal of a radioactive
6 substance in the area represented by the state senator and
7 representative; and

8 (2) the commission's final decision to grant or deny
9 such a license, amendment, or renewal.

10 (b) Not later than January 15 of each odd-numbered year, the
11 commission shall notify each state senator and representative of
12 the right to receive notice under Subsection (a).

13 SECTION 4. Subchapter B, Chapter 26, Water Code, is amended
14 by adding Section 26.0286 to read as follows:

15 Sec. 26.0286. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

16 (a) On the written request of a state senator or representative,
17 the commission shall send to the senator and representative during
18 the calendar biennium notice of:

19 (1) any application for a permit, amendment of a
20 permit, or renewal of a permit under this chapter for a discharge
21 that will occur or a facility that is or will be located in the
22 area represented by the senator and representative; and

23 (2) the commission's final decision to grant or deny
24 such a permit, amendment, or renewal.

25 (b) Not later than January 15 of each odd-numbered year, the
26 commission shall notify each state senator and representative of
27 the right to receive notice under Subsection (a) of this section.

1 SECTION 5. Subchapter B, Chapter 27, Water Code, is amended
2 by adding Section 27.0145 to read as follows:

3 Sec. 27.0145. NOTICE TO STATE SENATOR AND REPRESENTATIVE.

4 (a) On the written request of a state senator or representative,
5 the commission shall send to the senator and representative during
6 the calendar biennium notice of:

7 (1) any application for a permit, amendment of a
8 permit, or renewal of a permit under this chapter for an injection
9 well that is or will be located in the area represented by the
10 senator and representative; and

11 (2) the commission's final decision to grant or deny
12 such a permit, amendment, or renewal.

13 (b) Not later than January 15 of each odd-numbered year, the
14 commission shall notify each state senator and representative of
15 the right to receive notice under Subsection (a) of this section.

16 SECTION 6. The duties given to the Texas Natural Resource
17 Conservation Commission by this Act are the duties of the Texas
18 Water Commission or its successor if:

19 (1) the change in name of the Texas Water Commission
20 to the Texas Natural Resource Conservation Commission does not take
21 effect as provided by Section 1.085, Chapter 3, Acts of the 72nd
22 Legislature, 1st Called Session, 1991;

23 (2) the transfer of the powers, duties, rights, and
24 obligations of the Texas Water Commission to the Texas Natural
25 Resource Conservation Commission does not take effect as provided
26 by Chapter 3, Acts of the 72nd Legislature, 1st Called Session,
27 1991; or

1 (3) the 73rd Legislature does not pass an Act that
2 becomes law and provides for the transfer of certain powers,
3 duties, rights, and obligations of the Texas Water Commission to
4 the Texas Natural Resource Conservation Commission on or before
5 September 1, 1993.

6 SECTION 7. This Act takes effect September 1, 1993, and
7 applies only to an application for a permit or license, amendment
8 of a permit or license, or renewal of a permit or license issued
9 under Chapter 361, 382, or 401, Health and Safety Code, or Chapter
10 26 or 27, Water Code, that is received by the Texas Water
11 Commission or its successor on or after that date.

12 SECTION 8. The importance of this legislation and the
13 crowded condition of the calendars in both houses create an
14 emergency and an imperative public necessity that the
15 constitutional rule requiring bills to be read on three several
16 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD

Austin, Texas

**FISCAL NOTE
73rd Regular Session**

April 5, 1993

TO: Honorable Warren Chisum, Chair
Committee on Environmental Regulation
House of Representatives
Austin, Texas

IN RE: Committee Substitute for
House Bill No. 327

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 327 (relating to notice requirements for certain permits issued by the Texas Water Commission or its successor) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: Natural Resources Conservation Commission;
LBB Staff: JO, JWH, DF, JLG, JOL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 5, 1993

TO: Honorable Warren Chisum, Chair
Committee on Environmental Regulation
House of Representatives
Austin, Texas

IN RE: House Bill No. 327
By: Gallego

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 327 (relating to notice requirements for certain permits issued by the Texas Water Commission or its successor) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

Source: Texas Water Commission
LBB Staff: JO, JWH, DF, JLG, OC

H. B. No. 327

By John P. Ables

APR 30 1993

A BILL TO BE ENTITLED

AN ACT

relating to notice requirements for certain permits issued by the Texas Water Commission or its successor.

JAN 12 1993

1. Filed with the Chief Clerk.

FEB 3 1993

2. Read first time and Referred to Committee on

ENVIRONMENTAL REGULATION

MAR 30 1993

3. Reported favorably ^(as amended) and sent to Printer at 3:45 pm
(as substituted)

APR 13 1993

APR 14 1993

4. Printed and distributed at 10:28 AM

APR 14 1993

5. Sent to Committee on Calendars at 1:11 pm

APR 29 1993

6. Read second time (amended); passed to third reading ^{as subs.} (failed) by (Non-Record Vote)
(Record Vote of yeas, nays, present, not voting)

7. Motion to reconsider and table the vote by which H.B. was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas, nays, and present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of yeas, nays, and present, not voting.

APR 30 1993

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of yeas, nays, present, not voting).

APR 30 1993

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas, nays, and present, not voting).

APR 30 1993

12. Ordered Engrossed at 12:41 pm

13. Engrossed.

14. Returned to Chief Clerk at 4:34 pm

MAY 03 1993

15. Sent to Senate.

Betty Murray
Chief Clerk of the House

MAY 03 1993

16. Received from the House

May 4, 1993

17. Read, referred to Committee on NATURAL RESOURCES

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.)
(yeas, nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION: OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments,
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

HOUSE OF REPRESENTATIVES

1993 APR 30 PM 4:34

HOUSE OF REPRESENTATIVES

93 APR 14 AM 10:28